

USSN: 10/060,793  
Attorney Docket No.: 6884.US.01  
Amendment Under 37 C.F.R. 1.312

### REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Applicants' attorney sincerely appreciates the Examiner's notification of the allowance of claims 1, 2, 4 and 5 in the Notice of Allowability accompanying the Notice of Allowance and Issue Fee(s) Due dated November 9, 2006.

In response to the Examiner's cancellation of several withdrawn claims, Applicants' attorney has added new claims 40-53 (which are similar in content to several of the cancelled claims). In particular, these added claims are dependent on previously allowed claim 1. It is respectfully requested that the Examiner consider and allow these added claims, as these method claims, vector claims, etc. directly relate to the use of the nucleic acid molecule of claim 1. Further, it is believed that these added claims could have been considered and allowed previously. Unfortunately, amending the withdrawn claims previously to focus on the elected nucleotide sequence only, thus permitting rejoinder, was inadvertently not pursued earlier in the course of prosecution. Thus, is respectfully requested that these claims be considered prior to issuance.

Further, in reviewing the file corresponding to the subject application, Applicants' attorney has noted that a reference cited on a PTO 1449 form (submitted with the Information Disclosure of June 4, 2003) was never initialed by the Examiner to indicate consideration thereof. Additionally, an explanation was not provided by the Examiner as to the absence of initials. A copy of the filed PTO 14499 form is attached hereto. Also, a copy of the cited reference was supplied with the submitted Information Disclosure Statement of June 4, 2003. However, another copy can be provided if the Examiner so

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desires. It is respectfully requested that the Examiner consider the reference and indicate such consideration by initialing and returning a copy of the attached PTO-1449 form.

In conclusion, it is believed that the subject application is in condition of allowance and Notice to that effect is respectfully requested.

Should the Examiner have any questions concerning this matter, she is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Mukerji, et al.



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DATE: June 4, 2003

SHEET 1\_ of 1\_

Form PTO - 1449 (Modified)

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
(Modified) PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)

(37 CFR 1.98 (b))

ATTY. DOCKET NO.

6884.US.01

SERIAL NO.

10/060,793

APPLICANT(S)

Pradip Mukerji, et al.

FILING DATE

January 30, 2002

GROUP

1645

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	INVENTOR	CLASS	SUB CLASS	FILING DATE
SM	A1	5552306	09/03/1996	Thomas, et al.			
SM	A2	5443974	08/22/1995	Hitz, et al.			

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION YES NO
SM	B1	96/13591		PCT			
SM	B2	94/11516		PCT			
SM	B3	93/11245		PCT			

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

C1	The FASEB Journal, Abstracts, Part I, Abstract 3093, page A532 (Experimental Biology 98, San Francisco, CA April 18-22, 1998)

EXAMINER

E7MEL

DATE CONSIDERED

11/25/05

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO 1449)